



Handwritten initials: JFM, DK

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Shougo SATO

**Attention: Director of Technology
Center**

Group Art Unit: 2852

Application No.: 10/772,404

Examiner: Q. GRAINGER

Filed: February 6, 2004

Docket No.: 118571

For: PROCESS CARTRIDGE HAVING ELASTIC CONNECTIONS AND IMAGE
FORMATION APPARATUS USING THE PROCESS CARTRIDGE

**PETITION UNDER 37 C.F.R. §1.181
TO RESET PERIOD OF REPLY TO OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

According to the Patent Office PAIR database, an Office Action was mailed by the Patent Office on April 15, 2009 for the above-identified application. However, Applicant's undersigned representative hereby states that such Office Action was never received through the mail by the law firm of Oliff & Berridge, or by the Applicant or anyone else associated with the prosecution of this application.

On May 6, 2009, which was approximately four months after Applicant filed the Amendment, Applicant's undersigned law firm automatically monitored the status of this application by checking the PTO PAIR website. Applicant's undersigned representative checked the Patent Office PAIR database and discovered the existence of the April 15, 2009 Office Action. Applicant's undersigned representative also discovered that the April 15, 2009 Office Action was returned to the Patent Office as undelivered on April 16, 2009. Because an

image file wrapper of this application was available from the Patent Office, on May 6, 2009 Applicant's undersigned representative downloaded the April 15, 2009 Office Action and obtained copies of the references cited on the PTO-892 accompanying that Office Action. Accordingly, through Applicant's own efforts, Applicant obtained the April 15, 2009 Office Action on May 6, 2009.

Accordingly, Applicant requests that the time period for replying to the outstanding Office Action be reset to start on May 6, 2009, i.e., the date that Applicant became aware of, and obtained by downloading from the PTO website, the April 15, 2009 Office Action.

Applicant's undersigned representative submits that Applicant has satisfied the requirements set forth in MPEP 710.06, which relates to the present situation. In particular, section I of MPEP 710.06 most closely relates to the present situation, although, as explained above, Applicant never received the Office Action through the mail, but rather obtained the Office Action from the image file wrapper available over PAIR. With respect to section I(A), this Petition is being filed within two weeks of the May 6, 2009 date of discovery of and receipt of the Office Action. With respect to section I(B), a substantial portion of the set reply period (i.e., nearly one month) had elapsed when Applicant received the Office Action. With respect to I(C), Applicant's undersigned representative has explained and set forth the date of receipt of the Office Action. Applicant cannot show any evidence regarding receipt of the Office Action that was mailed by the Patent Office, because Applicant still has not received the Office Action that was allegedly mailed. However, Applicant can show that the April 15, 2009 Office Action was returned as undelivered.

In order to establish that the April 15, 2009 Office Action was not received by mail by Applicant's undersigned representative, attached hereto are four sheets related to the above-identified application. Sheet 1 is an outline of the image file wrapper for this application. The

April 16, 2009 entry states that mail was returned to the Patent Office as undelivered. Sheets 2 and 3 were downloaded from the April 16, 2009 entry. The encircled portion labeled A on Sheet 2 identifies the April 15, 2009 Office Action as received in Technology Center 2800 on April 16, 2009. Sheet 2 also includes the correct mailing address for Oliff & Berridge. Sheet 3 is a scanned image of the envelope that was found with the April 16, 2009 entry. The encircled portion labeled B on Sheet 3 identifies the postage date of April 15, 2009. As such, it is believed that the Office Action was undelivered due a Patent Office error for failing to display the address for Oliff & Berridge (as provided on Sheet 2) through the address window of the envelope when the Office Action was mailed. As indicated by the encircled portion labeled C on Sheet 4, the April 15, 2009 Office Action was entered into Oliff & Berridge's computerized docketing system on May 6, 2009 at 11:01 AM.

Accordingly, the April 15, 2009 Office Action was not entered into Oliff & Berridge's computerized docketing system until the downloaded version was obtained on May 6, 2009 by Applicant's undersigned representative, and promptly given to the Oliff & Berridge docketing department. As the Oliff & Berridge docketing department immediately enters Patent Office communications when received (usually by mail from the Patent Office), the fact that the Office Action was not entered until May 6, 2009 further establishes that the Office Action allegedly mailed by the Patent Office on April 15, 2009 was never received by Oliff & Berridge.

Although it is believed that no fee is due, the Patent Office is authorized to charge Deposit Account No. 15-0461 for any fees deemed necessary to grant this Petition.

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions or if any additional information is desired.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Steven D. Jinks
Registration No. 62,760

JAO:SDJ/bab

Attachments:
4 Sheets

Date: May 12, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

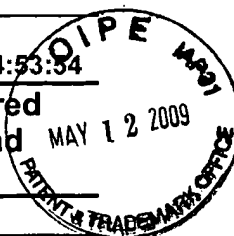
10/772,404

Image forming apparatus and process cartridge that is loadable in and unloadable from an image forming apparatus

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

**Available Documents**

Mail Room	Date	Document Code	Document Description	Page Count
04-16-2009	REMAIL	Mail returned to USPTO as undelivered		8
04-15-2009	CTNF	Non-Final Rejection		6
04-15-2009	892	List of references cited by examiner		1
04-15-2009	FWCLM	Index of Claims		1
04-15-2009	SRFW	Search information including classification, databases and other search related notes		1
04-15-2009	SRNT	Examiner's search strategy and results		7
01-06-2009	A...	Amendment/Req. Reconsideration-After Non-Final Reject		1
01-06-2009	CLM	Claims		10
01-06-2009	REM	Applicant Arguments/Remarks Made in an Amendment		2
01-06-2009	WFEE	Fee Worksheet (PTO-875)		1
10-06-2008	CTNF	Non-Final Rejection		5
10-06-2008	892	List of references cited by examiner		1
10-06-2008	FOR	Foreign Reference		9
10-06-2008	FOR	Foreign Reference		10
10-06-2008	SRNT	Examiner's search strategy and results		6
10-06-2008	SRFW	Search information including classification, databases and other search related notes		1
10-06-2008	NPL	NPL Documents		8
10-06-2008	FWCLM	Index of Claims		1
09-15-2008	RCEX	Request for Continued Examination (RCE)		1
09-15-2008	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		1
09-15-2008	CLM	Claims		10
09-15-2008	REM	Applicant Arguments/Remarks Made in an Amendment		4
09-15-2008	XT/	Extension of Time		1
09-15-2008	WFEE	Fee Worksheet (PTO-875)		1
05-13-2008	CTFR	Final Rejection		15
05-13-2008	FWCLM	Index of Claims		1
05-13-2008	SRFW	Search information including classification, databases and other search related notes		1
05-13-2008	SRNT	Examiner's search strategy and results		5
02-11-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject		1
02-11-2008	REM	Applicant Arguments/Remarks Made in an Amendment		10
02-11-2008	XT/	Extension of Time		1
09-11-2007	CTNF	Non-Final Rejection		11
09-11-2007	892	List of references cited by examiner		1
09-11-2007	FWCLM	Index of Claims		1
09-11-2007	SRFW	Search information including classification, databases and other search related notes		1
09-04-2007	SRNT	Examiner's search strategy and results		6
06-08-2007	A...	Amendment/Req. Reconsideration-After Non-Final Reject		2
06-08-2007	SPEC	Specification		1
06-08-2007	CLM	Claims		11
06-08-2007	REM	Applicant Arguments/Remarks Made in an Amendment		6
06-08-2007	WFEE	Fee Worksheet (PTO-875)		1
03-08-2007	CTNF	Non-Final Rejection		10
		List of References cited by applicant and considered by		



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APR 16 2009

A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,404	02/06/2004	Shougo Sato	118571	5029

25944 7590 04/15/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
04/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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If Undeliverable Return in Ten Days

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Docket Number	118571	Country	US	United States of America	Sub Case	
Title	Image Formation Apparatus and Process Cartridge				Case Type	ORD
Application No.	10772404	Filing Date	06-Feb-2004	Status	Published	
Client	NGB CORPORATION					
Owner	BROTHER KOGYO KABUSHIKI KAISHA					
Action Type	3 Month Office Action			Base Date	15-Apr-2009	
				Response Date		
	Electronic Action			Action Verify Date		

Due Dates

Remarks

	Actions Due	Due Date	Indicator	Taken	Resp	Remarks
▶	3 Month Office Action Due	15-Jul-2009	Due Date	Q		
▶	3 Month Office Action Due (1X)	15-Aug-2009	Due Date	Q		
▶	3 Month Office Action Due (2X)	15-Sep-2009	Due Date	Q		
▶	Call up/Instructions Received	08-Oct-2009	Reminder	Q		
▶	3 Month Office Action (3X) No Extension	15-Oct-2009	Final	Q		
*				Q		

Record: 1 of 5

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